



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Kenji Kuwabara and  
Tomiyoshi Aoki

**Group Art Unit:** 1614

**SERIAL NO.:** 10/781,433

**Examiner:** To Be Assigned

**FILED:** February 17, 2004

**Attorney Docket No.:** 44342.018001

**TITLE:** HETEROCYCLIC COMPOUNDS

**PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Applicant hereby requests that the above-identified patent application, U.S. Serial No. 10/781,433 be accorded its original filing date of February 17, 2004, pursuant to 37 C.F.R. 1.182.

On February 17, 2004, the instant divisional application was filed as a divisional of Non-Provisional Application 10/276,670 filed on November 18, 2002. The Divisional application contained 147 pages of specification, 3 pages of claims; 1 page abstract and 0 pages of drawings. A copy of the postcard submitted and stamped by the PTO is attached as Exhibit A. In the postcard it lists the contents that were submitted to the PTO on February 17, 2004. As can be seen from the postcard, the complete set of specifications, 147 pages of the specifications were submitted with the application. Pursuant to MPEP §503, the stamped postcard submitted with this Petition "serves as a *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

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09/02/2004 DEMMANU1 00000105 501561 10781433  
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Attorney Docket No.: 44342.018001

U.S. Serial No.: 10/781,433

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Accordingly, applicant respectfully requests that the above identified application be accorded the original filing date of February 17, 2004.

Pursuant to 37 C.F.R. 1.182, the petition is accompanied by: (1) the missing specification page 129 for submission in support of application serial number 10/781,433 and (2) the petition fee under 1.17(h) and (3) a copy of PTO Stamped Postcard submitted as Exhibit A.

Please charge the \$130 petition fee pursuant to 37 CFR 1.17(h) to Deposit Account No. 501561, in the name of Greenberg Traurig LLP.

The undersigned respectfully requests prompt attention to this matter.

Respectfully submitted,

  
\_\_\_\_\_  
Eugene C. Rzucidlo  
Reg. No. 31,900

Date: August 30, 2004  
Greenberg Traurig, LLP  
Attorneys for Applicant  
885 Third Avenue - 21<sup>st</sup> Floor  
New York, NY 10022  
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# FEET TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
**\$130.00**

## Complete if Known

Application Number	<b>10/781,433</b>
Filing Date	<b>February 17, 2004</b>
First Named Inventor	<b>K. Kuwabara, et al.</b>
Examiner Name	
Art Unit	<b>1614</b>
Attorney Docket No.	<b>44342.018001</b>

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None  
 Deposit Account:
Deposit Account Number **50-1561**Deposit Account Name **Greenberg Traurig**

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description	Fee Code (\$)	Fee (\$)	Fee Paid
1001	770	2001	385	Utility filing fee			
1002	340	2002	170	Design filing fee			
1003	530	2003	265	Plant filing fee			
1004	770	2004	385	Reissue filing fee			
1005	160	2005	80	Provisional filing fee			
SUBTOTAL (1) (\$)							

## 2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims	Fee from below	Fee Paid
Total Claims <input type="text"/> -20** = <input type="text"/> 0 X <input type="text"/> = <input type="text"/> 0.00		
Independent Claims <input type="text"/> - 3** = <input type="text"/> 0 X <input type="text"/> = <input type="text"/> 0.00		
Multiple Dependent <input type="text"/> = <input type="text"/> 0.00		

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					<b>\$0.00</b>

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	<b>130.00</b>
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					

\*Reduced by Basic Filing Fee Paid

## SUBTOTAL (3)

(\$)  
**\$130.00**

## SUBMITTED BY

Name (Print/Type)	Eugene C. Rzucidlo	Registration No. (Attorney/Agent)	31,900	Telephone	212-801-2100
Signature					Date
					August 30 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicant (s): K. Kuwabara, et al

Application : TBA

Filed: Div. 1 of 10/276,670

Title: HETEROCYCLIC COMPOUNDS

*Receipt is hereby acknowledged by return of this postal card properly stamped by the US PTO  
for the*

*above noted matter of the following:*

- (1) Utility Patent Application Transmittal;
- (2) Fee Calculation sheet Authorization to Deduct the amount of \$770.00 from the deposit account 501561;
- (3) Patent Application (147 pgs of specs; 3 pg. Claims; 1 abstract; 0 pgs drgs Total 151 pgs);
- (4) Combined Oath/Declaration; Power of Attorney from parent appln.;
- (5) Express Mail Certificate;
- (6) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents;

Express Mail No.: EV 316897867 US 17497 U.S.P.T.O.

10/781433



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Gene C. Ruzicillo, Esq.  
(ref)

MAR - 3 2004

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